IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 2947 of 2005

Between:

R.Esther Rani, W/o.Sivaiah,
Anganwadi worker (Relieved from Service) Gopalanagaram,
papli Mandal, Kurnool District.

..... PETITIONER

AND

1 The Project Director,
Women Development and Child Welfare & Disabled
Welfare (ICDS) Department, Kurnool.
2 The District Collector/Cum Chairman,
District Level Selection Committee, Kurnool.
3 Child Development Project officer, ICDS Project, Dhone,
Kurnool District.
4 The District Manager, AWTC, YBMPP, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of certiorari, call for the records on the file of the 4th respondent in his proceedings 222 AWTC. TBMPP, KNL, 2004, dated 13-09-2004 and quash the same and consequently declare that the action of the respondents in issuing the Notification dt.13-01-05 published in vartha, kurnool Edition by the 1st and 2nd respondents inviting the applications for filing up the Anganwadi worker vacancy of Gopalanagaram village of pepally Mandal, Dhone Zone by way of direct recruitment in spite of availability of in service (Experience candidate) i.e, petitioner herein itself is highly, illegal, arbitrary, unjust and violative of all principles of natural justice, and further direct the respondents to consider the case of the

petitioner for continuation of her services as Anganwadi worker at Gopalanagaram, papli Mandal, Kurnool District and pass such other order or orders as this Hon'ble court may deem fit and proper.

Counsel for the Petitioner: MR.SANTHAPUR SATYANARAYANA RAO

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

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ORDER:

The present writ petition is filed challenging the proceedings in Rc. No. 222 AWTC, dated 13-09-2004, issued by the 4th respondent and the consequential notification, dated 13-01-2005, issued by the 1st and 2nd respondents.

The petitioner was selected through a duly constituted selection Committee as Anganwadi worker vide proceedings dated 01-08-2004. She was asked to attend a training programme at Kurnool. While she was under training programme, the impugned proceedings, dated 13-09-2004, have been passed terminating her services. The only contention raised in this writ petition by the learned counsel for the petitioner is that without assigning any reasons, the 4th respondent issued the impugned proceedings and therefore, it violates the principles of natural justice and hence prays to allow the writ petition.

The learned Government Pleader for Medical Health and Family Welfare contended that in the appointment order itself, it is clearly mentioned that the services of the petitioner are liable for termination without any prior notice at any time and therefore, the order under challenge does not suffer from any incurable legal infirmity so as to call for interference of this Court.

No doubt, the petitioner was appointed through a regular selection Committee, but at the same time, the appointment order, dated 01-08-2004, itself goes to show that her services can be terminated without any prior notice at any time. The petitioner was appointed as Anganwadi worker on honorarium basis. Therefore, it is for the respondents to take appropriate decision in removing such persons. Since the order under challenge is not contrary to the

appointment order or any other service conditions coming under the Service Rules of the Anganwadi workers, the same cannot be interfered with. In pursuance of the impugned proceedings, a fresh notification is issued calling for applications from the candidates for filling up of vacancies to the post of Anganwadi workers. It seems that the petitioner also made an application. It is for the respondents to take appropriate decision in selecting the candidates. This order will not preclude the respondents in considering the case of the petitioner for appointment.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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23-02-2005

Note: Issue C.C by tomorrow.

B/o.

Vs

To

1 The Project Director,
Women Development and Child Welfare & Disabled Welfare (ICDS) Department, Kurnool.

2 The District Collector/Cum Chairman,
District Level Selection Committee, Kurnool.
3 Child Development Project officer, ICDS Project, Dhone,
Kurnool District.
4 The District Manager, AWTC, YBMPP, Kurnool.
5 Two CCs to the G.P for Medical Health and Family Welfare,
High Court of A.P., Hyderabad.(O.U.T).
6 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 2947 of 2005

Dated: 23-02-2005

VS